

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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NORTH CENTRAL STATES REGIONAL  
COUNCIL OF CARPENTERS' PENSION  
FUND and BRIAN GENTRY,

Plaintiffs,

Case No. 09-cv-368

v.

SELECT CARPENTRY & COMPONENTS, INC.,

Defendant.

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DENIAL OF ENTRY OF DEFAULT

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Plaintiffs request that I enter default against defendant Select Carpentry & Components, Inc., pursuant to Federal Rule of Civil Procedure 55(a). Plaintiffs supported their request with a certificate of unserved process from the Hennepin County, Minnesota, Sheriff indicating that defendant "moved 4 months ago to Spring Lake Park into girlfriends home" and an affidavit of publication from a newspaper known as Finance and Commerce.

The record fails to demonstrate that service was proper. Specifically, plaintiffs fail to provide any support for the proposition that Finance and Commerce is a "newspaper likely to give notice" to a defendant in Spring Lake Park as required by Wis. Stat. § 985.02(1) or that the summons was mailed to defendant or that a mailing address could not be ascertained with reasonable diligence as required by Wis. Stat. § 801.11(1)(c). Entry of default is denied pending satisfaction of these requirements.

Dated this 17th day of November, 2009.

  
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PETER OPPENZER  
Clerk of Court